

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number

Q85026

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450 Alexandria, VA 22313-1450

Application Number

10/518,403

Filed

December 17, 2004

First Named Inventor

Frédéric MILLIOT

Art Unit

2617

Examiner

Michael T. VU

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

☒ I am an attorney or agent of record.

Registration number 41,157



Signature

Christopher R. Lipp

Typed or printed name

(202) 293-7060

Telephone number

June 25, 2007

Date

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q85026

Frédéric MILLIOT, et al.

Appln. No.: 10/518,403

Group Art Unit: 2617

Confirmation No.: 9974

Examiner: Michael T. VU

Filed: December 17, 2004

For: METHOD OF SUPPLYING SERVICE CONFIGURATION DATA TO A MOBILE  
TELEPHONY DEVICE BY MEANS OF A DATA PROCESSING TERMINAL

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated January 24, 2007, Applicants file this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicants turn now to the rejections at issue:

**Claim rejections - 35 U.S.C. §103(a)**

Claims 1-3, 5-10, 12-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carroll (US 2001/0041591, hereinafter "Carroll"). Claims 4 and 11 are rejected under 35 U.S.C. § 102(a) as being unpatentable over Carroll in view of Bharadwaj (US 2002/0032751, hereinafter "Bharadwaj"). Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Carroll in view of Herle (US 2003/0027563, hereinafter "Herle"). Claim 21 is rejected

under 35 U.S.C. § 102(a) as being unpatentable over Carroll in view of Lee (US 2002/0105834, hereinafter, "Lee"). Applicants respectfully traverse this rejection at least for the following reasons.

**Independent claim 1**

Claim 1 recites a method of supplying configuration data to a mobile telephony device equipped with AT command management means, the method comprising: setting up a connection between said device and a terminal containing service configuration data and exchanging service configuration data between the terminal device by means of selected AT commands that the AT command management means of said device are able to interpret.

In the January 24, 2007, Final Office Action, the Examiner asserted that Carroll teaches a system that includes a user/carrier key management infrastructure for authentication-based wireless system that uses a key hierarchy generated from a user's unique authentication key (A-key) and therefore it would be obvious to one of ordinary skill in the art to modify the teachings of Carroll to include an AT command management means that can interpret AT commands to activate the provisioning device.

In the April 24, 2007 Response, Applicants submitted that the Examiner's assertion that paragraphs [0004]-[0009] of Carroll teach a method of supplying configuration data to mobile telephony device equipped with AT command management means, is incorrect. In particular, Applicant submitted that the user/carrier key management infrastructure suggested in Carroll is for authenticating the wireless system and does not *exchange service configuration data between the terminal and the device by means of AT commands* as recited in claim 1.

Furthermore, the Applicants argued that Carroll's disclosure of a user's unique authentication key (A-key) generated by a service provider does not teach or suggest AT commands. In particular, Applicants argued that the user/carrier key management infrastructure uses a key hierarchy generated from a user's unique authentication key to authenticate wireless system. Moreover, the A-key is a 64-bit value used to generate a user's temporary authentication keys as well as privacy keys for data, voice and messaging (See paragraph [0005]). Therefore, the A-key is directed towards verification of wireless system between the carrier and user and does not relate to *exchanging service configuration data between the terminal and device by means of selected AT commands*.

In addition, Applicants submitted that the standard air interface merely discloses a standard radio frequency link between the mobile telephone and a base station and does not teach or suggest an AT command means used for exchanging service configuration data between a device and a terminal. Also, Carroll teaches a process in which provisioning information is merely transferred to the target telephone using the standard air interface (page 4, paragraph [0052]). Carroll's disclosure of transferring of provisioning information from a WUPD to a mobile device does not teach or suggest the *use of AT commands for exchanging service configuration data between a terminal and a device* (page 1, paragraph [0006]).

In the Advisory Action of May 22, 2007, the Examiner responded to the Applicants' arguments by reiterating that the Examiner must give the broadest reasonable interpretation to all claims presented that Carroll indeed teach the service and configuration of a wireless communication device having a standard wireless interface. Furthermore, in page 2, paragraph 3 of the Advisory Action the Examiner states Carroll teaches provisioning a wireless device by

using standard air interface protocol when wireless devices are in close proximity using low power and it equates to AT commands. Applicants respectfully disagree.

However, Applicants submit that Carroll describes provisioning as the programming of a wireless communication device for use by the owner (page 1, paragraph [0004]) and that a WUPD 306 which transmits and downloads the provisioning information wirelessly into the cellular telephone 308 using a low power transmission (page 3, paragraph [0034-0035]). Carroll's disclosure of transferring and downloading provisioning information to the wireless communications device with close proximity using low power does not teach or suggest *exchanging service configuration data between the terminal and the device by means of selected AT commands that the AT command management means of said device are able to interpret.*

Thus, Applicants submit that claim 1 is allowable at least of the reasons given above.

**Independent claim 9**

Applicants submit that claim 9 recites subject matter analogous to claim 1, and therefore, claim 9 is at least allowable for the same reason set forth above with respect to claim 1.

**Dependent claims 2, 3, 5-8, 10, and 12-19**

Applicants submit that claims 2-8 and 10-21 are allowable, at least by virtue of their dependency on either claim 1 or 9 that have been shown to be allowable.

**Dependent claim 4 and 11**

Applicants submit that since Bharadwaj does not cure the deficiency of Carroll noted above with respect to claim 1, and since claims 4 and 11 depend from either claim 1 or 9, claims 4 and 11 are also allowable by virtue of their dependency.

**Dependent claim 20**

Applicants submit that since Herle does not cure the deficiency of Carroll noted above with respect to claim 1, and since claim 20 depends from claim 19 which depends from claim 1, claim 20 is also allowable by virtue of their dependency.

**Dependent claim 21**

Applicants submit that since Lee does not cure the deficiency of Carroll noted above with respect to claim 1, and since claim 21 depends from claim 1, claim 21 is also allowable by virtue of their dependency.

In view of the above, reversal of the outstanding rejections is respectfully requested.

Respectfully submitted,



Christopher R. Lipp  
Registration No. 41,157

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 25, 2007